

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2459-01  
Bill No.: HB 1059  
Subject: Agriculture and Animals; Crimes and Punishment  
Type: Original  
Date: January 9, 2002

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Unknown)*</b>	<b>(Unknown)*</b>	<b>(Unknown)*</b>

\* Not expected to exceed \$100,000 per year.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

## FISCAL ANALYSIS

### ASSUMPTION

Officials of the **Department of Agriculture, Office of the State Courts Administrator**, and the **Missouri Highway Patrol** assume the proposed legislation would have no fiscal impact on their respective agencies.

Officials of the **Department of Health and Senior Services** (DOH) assume this proposal affects the state public health veterinarian in that he or she may be called upon to impound vicious animals and/or determine if impounded vicious animals are diseased or disabled. DOH officials assume any additional duties resulting from this proposal could be managed with current resources.

Officials of the **Office of the State Public Defender** (SPD) assume existing staff could provide representation in an estimated 15-20 cases arising where indigent persons were charged with failure to control a vicious animal. However, passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the additional cases.

Officials of the **Office of Prosecution Services** (OPS) assume the costs to prosecutors are unknown but would likely be less than \$100,000.

Officials from the **Department of Corrections** (DOC) did not respond to the fiscal note request for this bill. **Oversight** assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>GENERAL REVENUE FUND</b>			
<u>Cost</u> - Department of Corrections	(Unknown)	(Unknown)	(Unknown)
<b>Estimated Net Effect on GENERAL REVENUE FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>

FISCAL IMPACT - Local Government

FY 2003  
(10 Mo.)

FY 2004

FY 2005

Cost - County Prosecutors

(Unknown)

(Unknown)

(Unknown)

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal creates the crime of failure to control a vicious animal. The owner or the person in custody of a vicious animal commits this crime if he or she fails to provide adequate control of such animal that results in either physical injury or death to another person.

Failure to control a vicious animal that results in physical injury to another person is a class C misdemeanor unless the defendant has previously pled guilty to or has been found guilty of failure to control a vicious animal, in which case it is a class A misdemeanor. Failure to control a vicious animal that results in the death of another person is a class A misdemeanor, unless the defendant has previously pled guilty to or has been found guilty of failure to control a vicious animal, in which case it is a class D felony.

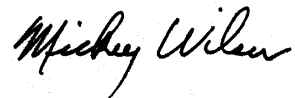
The Court shall order any authorized public health official, law enforcement official, or animal control officer to impound the vicious animal pending the verdict in the case. The animal shall be humanely killed if it is diseased or disabled beyond recovery as determined by authorized persons. The Court shall order the animal humanely killed upon a plea or finding of guilt. The animal shall be returned to the owner or custodian upon a finding of not guilty, unless the animal was killed because it was diseased or disabled beyond recovery.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture  
Office of State Courts Administrator  
Department of Health and Senior Services  
Department of Public Safety - Missouri Highway Patrol  
Office of Prosecution Services  
Office of State Public Defender

**Not Responding:**  
**Department of Corrections**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Acting Director  
January 9, 2002